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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

BO TANG,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security;
 EMILIO T. GONZALEZ, Director of
 United States Citizenship and Immigration
 Services;
 DAVID STILL, San Francisco District Director,
 United States Citizenship and Immigration
 Services;
 ROBERT S. MUELLER, III, Director
 of the Federal Bureau of Investigation,
 Defendants.

No. C 07-0683 JF

STIPULATION TO EXTEND HEARING
 DATE ON THE PARTIES' CROSS-
 MOTIONS FOR SUMMARY JUDGMENT;
 AND [~~PROPOSED~~] ORDER

Date: July 27, 2007
 Time: 9:00 a.m.
 Courtroom: 3, 5th Floor

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to extend the hearing date on the parties' motion for summary judgment, which is currently scheduled for July 27, 2007, in light of the following:

1. On June 1, 2007, the Court scheduled a hearing on the parties' cross-motion for summary judgment for July 27, 2007.

2. On July 2, 2007, the State Department issued an "Update on July Visa Availability" stating

1 that there were no more employment-based visa numbers available for the rest of the fiscal year,
2 attached hereto as Exhibit A.

3 3. The State Department will not be issuing any more employment-based visas until October
4 2007, and USCIS is unable by statute to adjudicate the application for adjustment of status.

5 4. Therefore, the parties hereby request this Court to vacate the July 27, 2007 hearing date and
6 to hold the case in abeyance until visas become available. Within three days of visas becoming
7 available the parties agree to reset the hearing date on the cross-motions for summary judgment.

8 Dated: July 11, 2007

9 _____/s/
10 ILA C. DEISS
11 Assistant United States Attorney
12 Attorney for Defendants

13 Dated: July 11 , 2007

14 _____/s/
15 JUSTIN FOK
16 Attorney for Plaintiff

17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED that the case is held temporarily held
19 in abeyance and the July 27, 2007 hearing is vacated. A Status Conference is set for November 9,
20 2007 at 10:30 AM.

21 Dated: July 17, 2007

22 _____
23 JEREMY FOGEL
24 United States District Judge
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